

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CITY OF PHILADELPHIA,	:	
Plaintiff,	:	CIVIL ACTION
	:	No. 17-2203
v.	:	
WELLS FARGO & CO., and	:	
WELLS FARGO BANK, N.A.,	:	
Defendants.	:	

**DISCOVERY ORDER**

Discovery will proceed in two phases. Phase one will address the non-economic injury aspect of the City's claim, and phase two, if needed, will address the economic injury aspect. The parties will conduct phase one discovery to determine (1) whether Wells Fargo has violated the FHA, (2) whether the City has suffered a non-economic injury because of that violation, and (3) whether the violation was the proximate cause of that non-economic injury. Phase one of discovery may also proceed on the res judicata issue. After phase one of discovery, Wells Fargo may file the appropriate dispositive motion on the claim for non-economic injury and the res judicata defense.

Accordingly, the Court anticipates the following general outline of the litigation:

- If the City fails to show an FHA discrimination violation, the litigation ends.
- If the City shows that an FHA discrimination violation occurred and shows non-economic injury and proximate cause, then the non-economic injury aspect of the claim survives.

Wells Fargo may then renew its motion to dismiss the economic injury aspect of the claim ("Renewed Motion").

- If the City shows that an FHA discrimination violation occurred, but fails to show either non-economic injury or proximate causation, then the non-economic injury aspect of the claim fails. Wells Fargo may file its Renewed Motion.
- If Wells Fargo files its Renewed Motion, and it is granted because the City fails to show economic injury and/or proximate cause, then the litigation ends on the economic injury aspect of the claim.
- If Wells Fargo files its Renewed Motion, and it is denied, then discovery will proceed on the economic aspect of the case. The Court, with input from the Parties, will determine how to structure the litigation moving forward.

Parties are **ORDERED** to meet and confer and provide a revised discovery plan to the Court, **on or before February 19, 2018.**

**1/16/2018**

**s/Anita B. Brody**

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DATE

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ANITA B. BRODY, J.

Copies **VIA ECF** on \_\_\_\_\_ to: